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EXAMINER

HOSSAIN, FARZANA E

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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/734,996

Applicant(s)

BRASSIL, JOHN T.

Examiner

Farzana E. Hossain

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed 10/25/2007. Claims 1, 13, 16 and 29 are amended. Claims 2, 7-10, 14, 15, 17, 19-28, 30, 32-37 have been previously presented. Claims 3-6, 11, 12 and 18 are original. Claim 31 is cancelled.

Response to Arguments

2. Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive.

The applicant argues that the interview conducted on June 29, 2007 that the previous examiner failed to teach the features in the amendment (Pages 11-12).

In response to the this argument, the previous examiner disclosed in the interview summary on June 29, 2007, that the only references discussed are Flavin and Ullman et al (US 6,018,768). Furthermore, the previous examiner noted that proposed amendments to claims would be subject to further consideration and search. The previous office action also included responses to arguments made in the July 3, 2007 filing.

Regarding Claims 1-11, 13-18, 23-30, 32-37, the applicant argues that Reynolds does not disclose a private cue cannot be interpreted by a third party other than specific affiliates and third parties lack the ability to access and read the data contained in private cues (Page 13). The applicant further argues that Reynolds discusses determining when to substitute media content and that each of the methods discussed does not teach preventing a third party from interpreting the new substitutable media content (Page 13).

In response to the argument, Reynolds discloses that private cue cannot be determined by third party other than specific affiliates as the priority level, geographical region and ID (Page 4, paragraph 0040) determines if the specific affiliate can modify the content (Pages 3-4, paragraphs 0028, 0032-0040, 0043). Reynolds discloses that a particular processor cannot interpret the private cue if it does not have the priority level, geographical region and/or the ID.

3. Regarding dependent claims 12, 19-22, the applicant argues these claims do not cure the deficiencies of Flavin and Reynolds for the independent claims.

In response to the argument, please response to claims 1 and 16.

4. Applicant's failure to adequately traverse the Examiner's taking of Official Notice for Claim 25 in the last Office Action is taken as an admission of the facts noticed.

Claim Objections

5. Claim 3 is objected to because of the following informalities: The applicant independent claim 1 recites "(SPA) of only specific affiliates" and dependent claim recites that the SPA "is a program recording application." Please point to location in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-11, 13-18, 23-30 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flavin (US 6,005,603), in view of Reynolds et al (US 2001/0037500 and hereafter referred to as "Reynolds").

Regarding Claim 1, Flavin discloses a streaming media server (109 or 110 as shown in Figs. 1 and 2) for providing media content in a plurality of media streams (Column 2, lines 58-65; Column 3, lines 17-35, Column 4, lines 23-52), comprising:

A cue generator or segment announcer for receiving an event detected signal and configuration information and based thereon for generating a cue having a

predefined structure (Figure 1, 109, 110, Figure 2, 109, 110, Column 2, lines 58-65, Column 3, lines 17-35, 40-44, Column 4, lines 23-52, Column 5, lines 1-25, 63-67, Figure 3, Column 6, lines 1-7), wherein the cue is configured to be used by a stream processing application (SPA) to receive information concerning an event associated with the media content (Column 3, lines 17-35, Column 4, lines 23-52, Column 5, lines 11-38), a cue handling mechanism for entering and transmitting descriptive information and announcements (Column 4, lines 3-17, 53-64, Figure 1, 115, 250), a network interface for transmitting cue and media content in one of the plurality of media streams to the SPA (Column 4, lines 3-16, 37-67, Column 5, lines 1-46).

Flavin is silent on the cue is a private cue, and wherein the private cue cannot be interpreted by a third party other than the specific affiliates, a cue handling mechanism for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA; and a network interface for transmitting the embedded cue and the media in the one of the plurality of media stream to the SPA to the special affiliates.

In analogous art, Reynolds discloses a private cue or a cue that is based on geographical location, priority and ID (Pages 3-4, paragraphs 0033-0038, 0040), wherein the private cue cannot be interpreted by a third party other than specific affiliates (Pages 3-4, paragraphs 0033-0038, 0040); a cue handling mechanism or a meta data substation system embedding the private cue or embedded meta data (i.e., announcements, packages, and triggers) in a data or media stream with the media

content to provide precise time synchronization (Page 2, paragraphs 0013-0015, 0025, Page 3, paragraphs 0028-0030, Figures 1-4), a network interface for transmitting the embedded private cue and the media content in the one of the plurality of media streams to the SPA of the specific affiliates (Pages 3-4, paragraphs 0032-0038, 0040, 0043). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to include the teachings of Reynolds in order to provide information to end users that are tailored to the market of the specific affiliates (Page 2, paragraph 0015) as disclosed by Reynolds.

Regarding Claim 13, Flavin discloses a method for delivering information associated with a media program in a media stream to a stream processing application (SPA), comprising

identifying an event in the media program of the media stream (Figures 1 and 2, 109, 110, Column 2, lines 58-65, Column 3, lines 17-35, Column 4, lines 23-52, Column 5, lines 11-67, Column 6, lines 1-7), determining if the event is a structural point based on the configuration information (Column 2, lines 58-65, Column 3, lines 36-40, Column 4, lines 23-52, Column 5, lines 11-67, Column 6, lines 1-7), generating a cue packet to represent the structural point in response to determining that the event is a structural point (Figures 1 and 2, 110, 115, Column 3, lines 17-35, Column 4, lines 23-52, Column 5, lines 11-38). Flavin discloses that announcements, including cue points, may be transmitted in the content stream (Figure 1, 112, 115, Column 5, lines 17-53).

Flavin is silent on the cue is a private cue, and wherein the private cue cannot be interpreted by a third party other than the specific affiliates, a cue handling mechanism

for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA; and a network interface for transmitting the embedded cue and the media in the one of the plurality of media stream to the SPA to the special affiliates. In analogous art, Reynolds discloses a private cue or a cue that is based on geographical location, priority and ID (Pages 3-4, paragraphs 0033-0038, 0040), wherein the private cue cannot be interpreted by a third party other than specific affiliates (Pages 3-4, paragraphs 0033-0038, 0040); a cue handling mechanism or a meta data substation system embedding the private cue or embedded meta data (i.e., announcements, packages, and triggers) in a data or media stream with the media content to provide precise time synchronization (Page 2, paragraphs 0013-0015, 0025, Page 3, paragraphs 0028-0030, Figures 1-4), a network interface for transmitting the embedded private cue and the media content in the one of the plurality of media streams to the SPA of the specific affiliates (Pages 3-4, paragraphs 0032-0038, 0040, 0043). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to include the teachings of Reynolds in order to provide information to end users that are tailored to the market of the specific affiliates (Page 2, paragraph 0015) as disclosed by Reynolds. See rejection of Claim 1.

Regarding Claim 16, Flavin discloses a content distribution network (Figure 1, Figure 2), comprising: a media server for broadcasting a media program in at least one media stream to a stream processing application (SPA) (Figure 1, Figure 2, 109, 110, 112, Column 2, lines 58-65, Column 3, lines 36-40, Column 4, lines 23- 52, Column 5,

line 11-67, Column 6, lines 1-7), the media program having at least one structural point or an announcement may contain additional description such as "Start of Commercial" or "End of Commercial" and other information (see Column 5, line 11 - Column 6, line 7), a server side cue handling mechanism for entering and transmitting descriptive information with program timing, structure and identity information related to the media program in the at least one media stream in the form of cue (Column 4, lines 3-17, 53-64, Figure 1, 115, 250, Column 5, line 11-67, Column 6, lines 1-7).

Flavin is silent on the cue is a private cue, and wherein the private cue cannot be interpreted by a third party other than the specific affiliates, a cue handling mechanism for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA. In analogous art, Reynolds discloses a private cue or a cue that is based on geographical location, priority and ID (Pages 3-4, paragraphs 0033-0038, 0040), wherein the private cue cannot be interpreted by a third party other than specific affiliates (Pages 3-4, paragraphs 0033-0038, 0040); a cue handling mechanism or a meta data substation system embedding the private cue or embedded meta data (i.e., announcements, packages, and triggers) in a data or media stream with the media content to provide precise time synchronization (Page 2, paragraphs 0013-0015, 0025, Page 3, paragraphs 0028-0030, Figures 1-4), a network interface for transmitting the embedded private cue and the media content in the one of the plurality of media streams to the SPA of the specific affiliates (Pages 3-4, paragraphs 0032-0038, 0040, 0043). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Flavin to include the teachings of Reynolds in order to provide information to end users that are tailored to the market of the specific affiliates (Page 2, paragraph 0015) as disclosed by Reynolds. See rejection of Claims 1 and 13.

Regarding Claim 29, Flavin discloses a method (Figure 1, Figure 2), comprising: generating a media stream containing a media program at a stream generator which is inherent to a media server that produces various content streams (Figure 1, Figure 2, 109, 110, 112, Column 2, lines 58-65, Column 3, lines 36-40, Column 4, lines 23- 52, Column 5, line 11-67, Column 6, lines 1-7), identifying an event in the media program of the media stream (Figures 1 and 2, 109, 110, Column 2, lines 58-65; Column 3, lines 17-35, Column 4, lines 23-52, Column 5, lines 11-67, Column 6, lines 1-7), determining if the event is a structural point based on the configuration information (Column 2, lines 58-65, Column 3, lines 36-40, Column 4, lines 23-52, Column 5, lines 11-67, Column 6, lines 1-7), generating, at cue handling mechanism, a cue packet to represent the structural point in response to determining that the event is a structural point (Figures 1 and 2, 110, 115, Column 3, lines 17-35, Column 4, lines 23-52, Column 5, lines 11-38). Flavin discloses that announcements, including cue points, may be transmitted in the content stream (Figure 1, 112, 115, Column 5, lines 17-53). See rejections of Claims 1, 13 and 16.

Flavin is silent on the cue is a private cue, and wherein the private cue is configured to be used by a SPA of only specific client receivers to receive information concerning the structural point such that cannot be interpreted by a third party, a cue

handling mechanism for embedding the private cue into one of the plurality of media streams with the media content to provide precise time synchronization for the processing of the one of the plurality of media streams by the SPA, communicating the media stream and the private cue packet from the media server to at least one intermediary node modifying based at least in part on the private cue packet, the media stream to generate modified media stream; and the at least one intermediary network node communicating the modified media stream at least one of the specific client receivers. In analogous art, Reynolds discloses a private cue or a cue that is based on geographical location, priority and ID (Pages 3-4, paragraphs 0033-0038, 0040), wherein the private cue is configured to be used by a SPA of only specific client receivers to receive information concerning the structural point such that cannot be interpreted by a third party other than intermediary network node (Pages 3-4, paragraphs 0033-0038, 0040); a cue handling mechanism or a meta data substation system embedding the private cue or embedded meta data (i.e., announcements, packages, and triggers) in a data or media stream with the media content to provide precise time synchronization (Page 2, paragraphs 0013-0015, 0025, Page 3, paragraphs 0028-0030, Figures 1-4), communicating the media stream and the private cue packet from the media server to at least one intermediary network node (Page 2, paragraph 0015, Pages 3-4, paragraphs 0032-0038, 0040, 0043); the at least one intermediary network node modifying, based at least in part on the private cue packet, the media stream to generate a modified media stream (Pages 3-4, paragraphs 0032-0038, 0040, 0043); the at least one intermediary network node communicating the

modified media stream to at least one of the specific client receivers or those at specific regions or local area (Pages 3-4, paragraphs 0032-0038, 0040, 0043). Reynolds teaches that the meta data substitution system (Figures 1-3, 100) can be situated at any point downstream of the original point of video distribution, such as a regional television network, a local television network affiliate, a local cable head end, or an internet service provider (Page 2-3, paragraphs 0025, 0028-0030). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to include the teachings of Reynolds in order to provide information to end users that are tailored to the market of the specific affiliates (Page 2, paragraph 0015) as disclosed by Reynolds.

Regarding Claim 2, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses that the cue includes one of program timing, structure, identity, start time, and end time of a program (Column 3, lines 37-40, Column 4, line 65-67, Column 5, lines 1-30, 63-67, Column 6, lines 1-7) Reynolds discloses a private cue (Pages 3-4, paragraphs 0032-0038, 0040, 0043).

Regarding Claim 3, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses that the stream processing application (SPA) is a program recording application (Column 4, line 65-67, Column 5, lines 1-10) of Flavin.

Regarding Claim 4, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses the stream processing application (SPA) is a program insertion application or inserting text on a TV or computer screen (Column 6, lines 30-36).

Regarding Claim 5, Flavin and Reynolds disclose all the limitations of Claim 1.

Flavin discloses SPA is a program modification application or eliminating commercials, turning the sound on or off, turning the picture on or off, displaying text on a TV or computer screen, sounding an alarm. (Column 4, line 65-67, Column 5, lines 1-10, Column 6, lines 30-36).

Regarding Claim 6, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses SPA is a program adaptation application or adapting to a program or broadcast associated with a geographic region or location (Column 5, lines 11-16).

Regarding Claim 7, Flavin and Reynolds disclose all the limitations of Claim 4. Flavin discloses a program switching application (Column 5, lines 11-16, Column 6, lines 30-36).

Regarding Claim 8, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses time information is transmitted with each announcement (Figures 1 and 2, 115, Figure 3, 321, Column 5, lines 17-31, 48-67, Column 6, lines 1-4). Reynolds discloses a private cue includes time sensitive program information (Page 2, paragraph 0013, Page 3, paragraph 0032).

Regarding Claim 9, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses cue includes a cue type of event notification cue, an event pending cue, an event termination cue and an event continuing cue, and a user defined custom cue or announcement and segment content information (Figure 3, 350, Column 5, lines 17-67, Column 6, lines 1-4). Reynolds discloses a private cue (Page 3-4, paragraphs 0032-0040).

Regarding Claim 10, Flavin and Reynolds disclose all the limitations of Claim 1.

Reynolds discloses a private cue (Page 3-4, paragraphs 0032-0040). Flavin discloses the predefined structure of the cue includes at least one of the following fields: an event type field for specifying an event type as met by an announcement (Figures 1 and 2, 115), a cue type field for specifying a cue type is met by the announcement type field (Figure 4, 405, Column 6, lines 19-20); a segment identifier section 320, and/or the segment content information 350 (Column 5, lines line 17 - Column 6, line 4); a number field for specifying a number that in combination with the event type specified by the event type field uniquely describes an event or the message tag (Figure 3, 311, Column 5, lines 39-44); a duration field for specifying the time remaining before completion of a specified event is met by the interval information (Column 5, lines 32-37); a time field for specifying time information (Figure 3, 321, Column 5, lines 48-53); and a variable-length label field for storing text suitable for display (Figure 3, 353, Column 5, line 67, Column 6, lines 1-7).

Regarding Claim 11, Flavin and Reynolds disclose all the limitations of Claim 10. Flavin discloses the event type field is one of an advertisement event type, a video-frame event type, an interstice event type, an audio-track event type, an audio-segment event type, an video-segment event type cue, program-title event type, program-description event type, program-label event type, content-type event type, program-advisory, and user-defined event type or the announcement (Figures 1 and 2, 115), segment identifier section (Figure 3, 320), and other various event types as listed such as weather report or commercial (Figure 3, Figure 4, Column 5, lines line 17 - Column 6, line 4).

Regarding Claim 14, Flavin and Reynolds disclose all the limitations of Claim 13. Reynolds discloses generating a private cue packet to represent the structural point (Pages 3-4, paragraphs 0032-0040) includes one of generating the cue packet manually with a user-operated trigger (Page 2, paragraphs 0013, 0014, Page 3, paragraph 0032, Page 4, paragraph 0040). Flavin discloses generating the cue packet automatically (Column 4, lines 38-52).

Regarding Claim 15, Flavin and Reynolds disclose all the limitations of Claim 13. Reynolds discloses receiving a packet; determining whether the packet is a private cue packet; when the packet is a private cue packet, then determining if the private cue packet triggers an action based on predetermined configuration parameters; when the private cue packet triggers an action, using information from the private cue packet to perform a function; otherwise, discarding the private cue packet (Pages 3-4, paragraphs 0032-0040). Flavin discloses receiving a cue packet and determining if actions need to be performed based on predetermined configuration parameters (Column 6, lines 30-67, Column 4, lines 3-22 and Column 4, line 65 - Column 5, line 10).

Regarding Claim 17, Flavin and Reynolds disclose all the limitations of Claim 16. Reynolds discloses private cue packets (Pages 3-4, paragraphs 0032-0040). Reynolds discloses a client-side cue handling mechanism for receiving packets, determining that a particular packet is a cue packet, and decoding program tuning, structure, and identity information from the cue packet (Column 4, lines 3-22, Column 4, line 65 -Column 6, line 7 and lines 30-67).

Regarding Claim 18, Flavin and Reynolds disclose all the limitations of Claim 17. Flavin discloses that the claimed application coupled to the client-side cue handling mechanism for using the program timing, structure, and identity information of the media stream to perform an application function (Figures 1 and 2, 150, 170, Column 4, lines 3-22, Column 4, line 65-67, Column 5, lines 1-67, Column 6, lines 1-7, 30-67).

Regarding Claim 23, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses a stream generator for generating the media streams is met as media streams are generated by a stream generator that is inherent to a media server that produces various content streams (Figure 2, 112, Column 4, lines 38-43).

Regarding Claim 24, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin discloses cue generator is further operable to insert the generated private cue into a corresponding media stream to which the generated private cue relates or one or more devices that can be used to automatically provide descriptions and announcements for a content stream (Figure 2, 250, Figures 1 and 2, 112 Column 4, lines 43-53 and Column 5, lines 11-62), where events such as commercial boundaries or segment types may be identified, and an announcement 115 or cue is generated/inserted into the content stream (Figures 1 and 2, 112, Column 3, lines 36-39).

Regarding Claim 25, Flavin and Reynolds disclose all the limitations of Claim 1. Flavin and Reynolds do not explicitly disclose the claimed "wherein the private cue is generated as a Real-Time Transport Protocol (RTP) payload. However, the Examiner takes Official Notice that it is notoriously well known in the art of video distribution

systems that use the Internet as a network for distribution or broadcasting to use RTP for the advantage of delivering real-time data, including audio and video media more efficiently by using a well known Internet-standard protocol. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have used RTP for the advantage given above.

Regarding Claim 26, Flavin and Reynolds disclose all the limitations of Claim 17. Flavin discloses the server-side stream generator for generating the at least one media stream is met as media streams are generated by a stream generator that is inherent to a media server that produces various content streams (Figure 2, 112, Column 4, lines 38-43), wherein the cue handling mechanism inserts the cue packet in the at least one media stream (Column 5, lines 17-53, Figures 1 and 2, Column 3, lines 17-35 and Column 4, lines 23-52). Reynolds discloses private cue packets in streams (Pages 3-4, paragraphs 0032-0040).

Regarding Claim 27, Flavin and Reynolds disclose all the limitations of Claim 26. Flavin discloses the server-side network interface (network interface connector or communication connector (Figure 2, 205) for communicating the at least one media stream having the cue packet inserted therein across a communication network to at least one client (Figures 1 and 2, 112, 115, 120 150, 151,152, 160, 161 and 163, Column 3, lines 54-67, Column 4, lines 1-2, Column 5, lines 32-62). Reynolds discloses the private cue packet (Pages 3-4, paragraphs 0032-0040).

Regarding Claim 28, Flavin and Reynolds disclose all the limitations of Claim 27. Flavin discloses network interface broadcasts the at least one media stream having the

cue packet inserted therein to a plurality of clients or announcements; including cue points, may be transmitted in the content stream and broadcast to a plurality of clients as described above in claims 1 and 27 (Figures 1 and 2, 115, 120, Column 5, lines 17-53). Reynolds discloses the private cue packet (Pages 3-4, paragraphs 0032-0040).

See claims 1 and 27.

Regarding Claim 30, Flavin and Reynolds disclose all the limitations of Claim 29. Reynolds disclose the at least one client receiver processing the modified media stream to generate output to an end user as met by viewer 70 as shown in Fig. 1 (Figure 1, 70 Page 2, paragraphs 0025, Pages 3-4, paragraphs 0032-0040).

Regarding Claim 32, Flavin and Reynolds disclose all the limitations of Claim 29. Reynolds discloses the modifying comprises adding at least one cue packet to the media stream (Figure 2, 140, 134, 136, Page 2, paragraph 0025, Pages 3-4, paragraphs 0029, 0032-0043).

Regarding Claim 33, Flavin and Reynolds disclose all the limitations of Claim 29. Reynolds discloses modifying comprises removing the private cue packet to the media stream (Figure 2, 110, 140, 132, 134, 136, Page 2, paragraph 0025, Pages 3-4, paragraphs 0029, 0032-0043).

Regarding Claim 34, Flavin and Reynolds disclose all the limitations of Claim 29. Reynolds discloses that the modifying comprises inserting a second media stream into the media stream where the inserter 136 generates and inserts the final video data stream as shown in Fig. 2 (Figure 2, 136, Page 4, paragraph 0041).

Regarding Claim 35, Flavin and Reynolds disclose all the limitations of Claim 34. Reynolds discloses the second media stream comprises at least one advertisement as (Page 3, paragraph 0027).

Regarding Claim 36, Flavin and Reynolds disclose all the limitations of Claim 29. Reynolds discloses media stream and the private cue packet are communicated from the media server to a plurality of different intermediary network nodes wherein each of the different intermediary network nodes comprises respective target client receivers to whom it communicates modified media stream generated thereby (Page 3, paragraph 0028, Figure 1, 50, 100, 58, 60, 100, Figure 2, 100).

Regarding Claim 37, Flavin and Reynolds disclose all the limitations of Claim 36. Reynolds discloses generating, by a first of the intermediary network nodes, a first modified media stream (Figure 2, 100, Figure 3, 110', Pages 3-4, paragraphs 0028, 0032-0040); and generating, by a second of the intermediary network nodes, a different modified media stream (Figure 2, 100, Figure 3, 110", Pages 3-4, paragraphs 0028, 0032-0040).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flavin, in view of Reynolds as applied to claim 10, in further view of the SMPTE STANDARD (SMPTE 309M-1999) for Television - Transmission of Date and Time Zone Information in Binary Groups of Time and Control Code (hereafter referred to as "SmpteDate") and the SMPTE STANDARD (SMPTE 12M-1999) for Television, Audio and Film - Time and Control Code (hereafter referred to as "SmpteTime").

Regarding Claim 12, Flavin and Reynolds disclose all the limitations of Claim 10. Flavin discloses a time field (Figure 3). Flavin and Reynolds are silent on the date field includes data information encoded with a Society of Motion Picture and Television Engineer's (SMPTE) date encoding and wherein the time field includes time information encoded with a Society of Motion Picture and Television Engineer's (SMPTE) time encoding. However, it is notoriously well known in the art of media or video distribution to include time and date fields with data information encoded with SMPTE date and time encoding for the advantage of having time and date codes that conform to SMPTE standards, which are well known and used in the video industry and may be useful for identifying video frames and timing information, especially, for video editing purposes. The SmpteDate and SmpteTime provide further evidence that these standards are well known and used among those of ordinary skill in the art. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included a date field that includes data information encoded with a Society of Motion Picture and Television Engineer's (SMPTE) date encoding and wherein the time field includes time information encoded with a Society of Motion Picture and Television Engineer's (SMPTE) time encoding for the advantages given above.

9. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flavin in view of Reynolds, as applied to claim 17, in further view of Sequeira (US 2001/0000194).

Regarding Claim 19, Flavin and Reynolds disclose all the limitations of Claim 17. Flavin and Reynolds are silent on intermediary stream processing application for receiving the media stream that includes the private cue packet, processing the media stream, and re-transmitting the media stream to one of other intermediary stream processing applications and a client-side cue handling mechanism. In analogous art, Sequeira discloses intermediary stream processing application for receiving the media stream that includes the private cue packet, processing the media stream, and re-transmitting the media stream to one of other intermediary stream processing applications and a client-side cue handling mechanism or each task and media may be distributed to a relevant slave task scheduler for execution at a proper time, wherein a slave task scheduler/server may track the tasks given to it and prepare media devices to send the scheduled information at the appropriate time (Pages 1-3, paragraphs 0013-0015, 0031-0048, Figures 1 and 2) and records including fields transmitted to other devices, such as a set-top boxes (STBs), downstream of the data servers, so that the devices may recognize and extract the data form the data stream and process the data accordingly (Page 12, paragraphs 0099-0100, Pages 11-12, paragraphs 0082-0097 and Figs. 12-13, 18-22, and 25-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination the additional teachings of Sequeira for the advantages of providing additional intermediate stream processing applications in order to have backup systems incase parts of the broadcast network breakdown, as well as, to provide for additional schedulers/servers

to make updates or modifications to media streams and events within the broadcast streams (Page 3, paragraph 0042).

Regarding Claim 20, Flavin, Reynolds and Sequeira disclose all the limitations of Claim 19. Reynolds discloses private cue packets (Pages 3-4, paragraph 0032-0040).

Regarding Claim 21, Flavin, Reynolds and Sequeira disclose all the limitations of Claim 19. Reynolds discloses the "private" cue packets and adding content by substitution (Pages 3-4, paragraph 0032-0040). Sequeira discloses re-transmitting the media stream to one of other intermediary stream processing application and receivers including updating or editing, adding, deleting, (Pages 1-3, paragraphs 0013-0015, 0031-0048).

Regarding Claim 22, Flavin, Reynolds and Sequeira disclose all the limitations of Claim 19. Reynolds discloses the "private" cue packets including removing a private cue packet by overwriting (Pages 3-4, paragraph 0032-0040). Sequeira discloses re-transmitting the media stream to one of other intermediary stream processing application and receivers including removing or updating or editing, adding, deleting, (Pages 1-3, paragraphs 0013-0015, 0031-0048).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

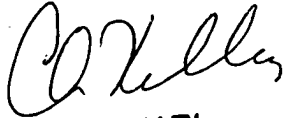
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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FEH
December 21, 2007


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